

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**BECKLEY DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL ACTION NO. 5:11-cr-00038

HUGHIE ELBERT STOVER,

Defendant.

**ORDER**

The Court has reviewed the Defendant's *Motion to Continue Trial* (Document No. 18) filed in the above-styled matter on March 28, 2011, and the *Response of the United States of America to Defendant's Motion to Continue* (Document No. 20) filed on April 4, 2011.

After careful review, the Court finds that the United States "acknowledges the concerns" outlined in the Defendant's motion and does not oppose the same. Specifically, the Court finds that the parties need additional time to complete the discovery process, and further finds that the need for the continuance outweighs the best interest of the public and the Defendant in receiving a speedy trial.


WHEREFORE, the Court does here by **ORDER** that the *Motion to Continue Trial* is **GRANTED** and that the trial, previously scheduled for April 25, 2011, is **CONTINUED** until **July 18, 2011, at 9:00 a.m.** The Court **ORDERS** that the parties submit their respective witness lists and any proposed voir dire and jury instructions no later than **July 5, 2011**.

The Court further **ORDERS** that the pretrial motions hearing, previously scheduled for April 5, 2011, is **CONTINUED** until **June 28, 2011, at 1:30 p.m.**, before the Honorable R. Clarke VanDervort. The Court **ORDERS** that all pre-trial motions, including motions in limine, shall be filed no later than **June 21, 2011**.

The Court **FINDS** that the time between April 25, 2011, and July 18, 2011, is excludable from the computation of time within which trial must commence, pursuant to 18 U.S.C. § 3161(h)(7).

The Court **DIRECTS** the Clerk to send a copy of this Order to Magistrate Judge VanDervort, to the Defendant and counsel, to the United States Attorney, to the United States Probation Office and to the United States Marshal.

ENTER: April 4, 2011

  
IRENE C. BERGER  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF WEST VIRGINIA